

Exhibit C thereto, p. 19.

3. The Arbitrator found as fact that where a small portion of workers return to work and the hotel carry's out its lawful obligations to pay pension contributions on these workers behalf, the employer has suspended contributions for those that remain on strike. Rule 56.1 Fund Response, Exhibit C thereto, p. 20.

4. The Arbitrator found as fact that where an employer stops making pension contributions because an employee is not working because of a labor dispute, and intends to resume making contributions for that employee as soon as the employee returns to work, there is a suspension of contributions. Rule 56.1 Fund Response, Exhibit C thereto, pp. 20-21.

5. The Arbitrator rejected the NRF's argument that the greater than 70% decline was *not* the result of the strike. Rule 56.1 Fund Response, Exhibit C thereto, p. 21.

6. The Arbitrator found that the decline in contributions was directly caused by the strike and but for the strike, the hotel would not have contracted with outside agencies for temporary replacements and therefore, the labor dispute exception protects the hotel from the partial withdrawal liability assessment. Rule 56.1 Fund Response, Exhibit C thereto, p. 21.

7. The size of the bargaining unit at the time of the strike was approximately 130 employees and since the strike, approximately thirty strikers over the course of the strike returned to work. Rule 56.1 Fund Response, Exhibit D thereto, pp. 36-37.

Respectfully submitted,
520 South Michigan Avenue Associates, Ltd.

By: /s/ Bradley Wartman
One of its Attorneys.

Peter Andjelkovich & Associates
Attorneys for Plaintiff
39 S. LaSalle Street, Suite 200
Chicago, IL 60603
(312) 782-8345

Alan M. Levy, Esq.
Lindner & Marsack, S.C.
411 East Wisconsin Avenue, Suite 1800
Milwaukee, Wisconsin 53202
(414) 273-3910